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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3430(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Karnal Bunt Disease Interior Quarantine as an emergency action that was effective on February 17, 2004. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 16, 2004.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before May 3, 2004.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary may establish, maintain and enforce quarantine regulations as he deems necessary to protect California's agricultural industry and to circumscribe and exterminate or prevent the spread of pests. (Food and Agricultural Code Sections 407, 5301, 5302 and 5322).

Existing Section 3430 provides that an interior quarantine exists against Karnal bunt disease, sets forth the area under quarantine and restricts the movement of hosts and possible carriers of the pathogen from the area under quarantine within California.

Section 3430(b) was amended to reduce the Palo Verde Valley portion of Riverside County and remove the Palo Verde Valley portion of Imperial

County from the regulated area. The effect of the proposed action was to remove the authority for the State to regulate the movement of hosts and possible carriers of the Karnal bunt disease pathogen from the areas of these counties. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3430 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3430. No reimbursement is required for Section 3430 under Section 17561 of the Government Code because this amendment removed quarantine requirements by removing portions of the regulated areas from the regulation and, therefore, enforcement is no longer necessary for these areas.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed repeal of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3430(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3430(b) to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final

statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED RULEMAKING

PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action. The DOJ proposes to adopt sections 968.97 and 968.99, and amend sections 968.20 and 968.60 in Title 11, Division I, Chapter 12.6 of the California Code of Regulations (CCR).

PUBLIC HEARING

The DOJ has not scheduled a public hearing on this proposed action. However, the DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the DOJ. The written comment period closes at 5:00 p.m. on February 23, 2004. The DOJ will consider only comments received by that time. Submit comments to:

Mail: Steven Teeters, Analyst
Department of Justice
Firearms Information Services Section
PO Box 160487
Sacramento, CA 95816-0487
or
Email: Steven.Teeters@doj.ca.gov
or
Fax: (916) 227-3700
Attn: Steven Teeters

AUTHORITY AND REFERENCE

Penal Code sections 12125 through 12133 authorize the DOJ to adopt regulations to comply with the mandate to certify independent laboratories to conduct specified tests of handguns and to establish and

maintain the DOJ roster of certified handguns. This includes establishing procedures for laboratory certification, creating handgun testing reporting standards, establishing and maintaining the DOJ roster of certified handguns, and setting fees for the initial and renewal laboratory certifications and DOJ roster listings. With the passage of AB 2902 (Stats. 2002, c. 912), this authority was extended to adopting regulations to comply with the mandate giving the DOJ authority to retest up to 5 percent of handguns certified for sale, and establish guidelines for reinstatement testing of handguns that fail retesting. These amendments will implement, interpret and/or make specific section 12131 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC sections 12125 through 12133 require the DOJ to certify independent laboratories to conduct testing of handguns and to establish and maintain a roster of handguns that have been tested and certified as not being unsafe.

This law allows the DOJ to annually retest up to 5 percent of the handguns listed on the Roster of Handguns Certified for Sale. The DOJ may also allow testing and reinstatement of handguns removed from the Roster of Handguns Certified for Sale that failed the initial retest.

Section 968.20 adds definitions of new terms, that are found in regulation or penal code, to the Definition of Key Terms section.

Section 968.60 informs DOJ-certified test laboratories that they must participate in the retesting and reinstatement testing process or risk losing their certification.

Section 968.97 establishes the process by which the certified handguns will be selected for retesting, the process by which a handgun which fails retesting will be removed from the Roster of Handguns Certified for Sale (as well as all other "similar" handguns that were approved by the DOJ without separate testing), and the process by which the affected parties will be notified of a failed retest.

Section 968.99 establishes the process by which a handgun manufacturer, importer, fully licensed wholesaler, distributor, or dealer may request a reinstatement test of a handgun that was removed from the Roster of Handguns Certified for Sale after a failed retest. Finally, this section states that persons who paid fees associated to a Roster listing, who subsequently have that handgun removed from the Roster as a result of retesting, will not be refunded any fees.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings to any state agency: The DOJ will be responsible for funding the retesting program.

Cost or savings in federal funding to the state: None.

Mandate on local agencies and school districts: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: Limited. Only "responsible parties" as defined in regulation would be eligible to request reinstatement testing. Reinstatement testing would be optional, not required, and would only be an option if a previously approved handgun failed subsequent retesting.

Adoption of these regulations will not:

1. Create or eliminate jobs within California
2. Create new businesses or eliminate existing businesses within California; or
3. Affect the expansion of businesses currently doing business within California.

Significant affect on housing costs: None.

Significant affect on small businesses: Limited. See "Cost impacts on a representative private person or business" subsection.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), no reasonable alternative that was considered or that has otherwise been identified and brought to the attention of the DOJ would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations. Any persons interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steven Teeters, Analyst
Department of Justice
Firearms License and Permit Unit
PO Box 820200
Sacramento, CA 94203-0200

Steven.Teeters@doj.ca.gov
Telephone (916) 227-0163
Fax (916) 227-3700
Attn: Steven Teeters

The backup contact person for these inquiries is:

Lesa Saville, Manager
Department of Justice Firearms Division
Firearms Information Services Section
PO Box 160487
Sacramento, CA 95816-0487
Lesa.Saville@doj.ca.gov
Telephone (916) 263-4868
Fax (916) 263-0676

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS**

The DOJ will have the entire rulemaking file available, upon completion, for inspection and copying throughout the rulemaking process. Please visit www.caag.state.ca.us/firearms/regs/index.html to obtain copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based. Inquiries concerning the substance of the proposed regulations may be directed to Steven Teeters.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulations substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the DOJ adopts the regulations as advised. Please visit www.caag.state.ca.us/firearms/regs/index.html to obtain copies of any modified regulations. The DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available. You can obtain a written copy of the documentation by contacting Steven Teeters.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon completion, the Final Statement of Reasons will be available at www.caag.state.ca.us/firearms/regs/index.html. You can obtain a written copy of the documentation by contacting Steven Teeters.

**TITLE 13. DEPARTMENT OF
MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 225.45, 225.51 and

225.54, in Chapter 1, Division 1, Article 3.6 of Title 13, California Code of Regulations concerning the Business Partners Automation Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on May 3, 2004, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code section 1685.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

A legislative change to the Business Partners Automation Program in Section 1685 of the Vehicle Code was enacted in October 2003 and became effective January 1, 2004. The proposed regulatory action amends a form to reflect the statutory change and corrects two (2) minor errors, one in the Transaction Procedures and Inventory Requirements Handbook and one in the IT Security Guidelines.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The following forms are incorporated by reference in Title 13, Sections 225.45, 225.51, and 225.54, California Code of Regulations. These forms are not published in the California Code of Regulations, because it would be impractical and cumbersome to publish these documents in the Code of Regulations.

- Business Partner Automation Disclaimer (REG 4020 (1/2004))
- IT Security Guidelines for Use in BPA Program (January 2004)
- BPA Transaction Procedures and Inventory Requirements Handbook (January 2004)

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulation is merely a clarification of statute.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the proposed regulatory action merely clarifies a form to reflect a newly enacted statute and corrects minor errors in operational documents.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying

out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 8591 of the Fish and Game Code and to implement, interpret or make specific Sections 8101, 8590–8595, 9000, 9001 and 9015, of said Code, proposes to amend Section 180.3, Title 14, California Code of Regulations, relating to restricted access fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current regulations, Section 180.3, Title 14, CAC, currently holds the maximum harvest for those with a Tier 2 permit at 2500 pounds of spot prawns landed in a permit year.

The proposed regulatory changes raise the maximum harvest level from 2500 to 10000. The department anticipated that 13 permits would be issued and the maximum allotment of 2500 pounds in any permit year would be necessary to limit harvest. Only four permits have been issued under current Tier 2 requirements. In addition, the spot prawn trawl fishery has been closed; thereby, reducing the overall annual harvest of spot prawns. Thus, increasing the allotment to 10000 pounds will not negatively impact the resource. It will, however, be an economic benefit to those who currently hold a valid Tier 2 permit.

Minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California on April 1, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in San Diego, CA, on May 4, 2004, at 9:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 23, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 4, 2004, at the hearing in San Diego, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking

file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

By raising the capacity goal to 5000, there will be a positive economic impact to those affected.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Gateway Hotel—LAX, 6101 West Century Blvd., Los Angeles, California, at 10:00 a.m. on May 8, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on May 8, 2004 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915(g) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29 and

2915 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, section 1397.60 states that distance learning can be used to meet no more than 22% (8 hours) of the continuing education required in each renewal cycle. This proposal would amend the number of hours of continuing education through distance learning to 50% (18 hours), thereby allowing the licensee to accrue the mandatory continuing education in a more convenient manner.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825 or on the board's website at www.psychboard.ca.gov.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

**TITLE 16. BOARD
OF PSYCHOLOGY**

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments

orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Gateway Hotel—LAX, 6101 West Century Blvd., Los Angeles, California, at 10:00 a.m. on May 8, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on May 8, 2004 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 2913 and 2914 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Proposed sections 1387–1387.7, which relates to supervised professional experience, would clarify and amend current language and set standards to comply with section 2914 of the Business and Professions Code.

Proposed sections 1389.1–1389.11, which relates to registered psychologists and psychological assistants, would clarify current language and adopt new regulations to state the requirements for registration as established in section 2909 of the Business and Professions Code. The proposed language would further amend the current language for psychological assistants as established in section 2913 of the Business and Professions Code.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825 or at the board's website at www.psychboard.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
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E-Mail Address: kathy_bradbury@dca.ca.gov

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Name: Jeffrey Thomas
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Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on Friday, May 14, 2004.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 3, 2004**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1754 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 California Code of Regulations, Section 1070.3

Proposed changes to Title 16, California Code of Regulations, Section 1086, when effective, will allow Registered Dental Assistants (RDAs) to perform the additional duty of applying pit and fissure sealants to teeth, after completing a Board-approved course in this procedure. Proposed new section 1070.3 would specify the requirements that such course providers must meet to obtain Board approval in terms of prerequisites, administration and faculty, course length, facilities and resources, program content, externship instruction, and student evaluation and examination.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California has determined that an individual who would be required to take a board approved training course would incur a cost associated with the training.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses. The proposed changes however, would have a minimal cost impact to the RDA who would be required to take a board approved course relating to the additional duty authorized under this section.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300, ext. 2327
Fax Number: (916) 263-2140
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Karen Wyant
Address: 1428 Howe Avenue, Suite 58
Sacramento, California 95825
E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on May 14, 2004.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office no later than 5:00 p.m. on **Monday, May 3, 2004**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1646.4 and 1647.7 of said Code the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations,
Section 1043.2

Title 16, California Code of Regulations, Section 1043.2 is the Composition of the Onsite Inspection and Evaluation Teams for the Conscious Sedation and

General Anesthesia permit program. Through the evolution of this program, it has become apparent that evaluators, like all licensees, benefit from periodic training. One of the proposed amendments would require all evaluators to take a board-approved training course prior to appointment as an evaluator. With regard to the second proposed amendment, there is occasionally in the public interest a need to remove an evaluator from the program; this proposed amendment would allow the Dental Board of California the flexibility to remove an evaluator at any time and without cause.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California has determined that an individual who would be required to take a board approved training course prior to appointment, as an evaluator would incur a cost associated with the training course.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses. The proposed changes however, would have a minimal cost impact to an individual who would be required to take a board approved training course prior to appointment as an evaluator.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the

purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300
Fax Number: (916) 263-2410
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Georgetta Coleman-Griffith
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300
E-Mail Address:

Georgetta.Coleman-Griffith@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on Friday, May 14, 2004.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **May 3, 2004**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 1767 of the Business and Professions Code, and to implement, interpret or make specific Section 1766 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations, Section 1072.1

Title 16, California Code of Regulations, Section 1072.1, provides the educational requirements for Registered Dental Hygienist educational programs, including general requirements that students must meet for admission. The proposed changes are intended to increase the likelihood that students in Dental Board-approved dental hygiene educational programs will actually complete the program and enter the workforce, potentially providing greater access to care for California consumers. Specifically, the proposed changes would specify grade point averages, demonstration of critical thinking skills, and defining subject matter prerequisites.

Subdivision (g)(3) of the proposed language appears differently than displayed on the website of the Office of Administrative Law, although no changes to that subdivision are being proposed. This section has remained unchanged since about 1986; apparently a formatting error occurred in the published version at some time and has never been corrected.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal may have a positive impact on the creation of jobs in California but would not have any impact on new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation clarifies specific language for the RDH educational programs.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California has determined that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300, ext 2327
Fax Number: (916) 263-2140
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Karen Wyant
Address: 1428 Howe Avenue, Suite 58
Sacramento, California 95825
E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel**,

150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on Friday, May 14, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 3, 2004**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1636 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations,
Section 1041

Title 16, California Code of Regulations, Section 1041 provides the requirements for the restorative technique examination. This proposed regulation would update the evaluation of non-accredited dental school graduates skill levels prior to being allowed to take the dental licensure examination.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation pertains to updating the Restorative Technique examination.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons that the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

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 Address: 1432 Howe Avenue, Suite 85
 Sacramento, California 95825
 Telephone: (916) 263-2300, ext. 2327
 Fax Number: (916) 263-2140
 E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Georgetta Coleman-Griffith
 Address: 1432 Howe Avenue, Suite 85
 Sacramento, California 95825

E-Mail Address:
 georgetta_coleman-griffith@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on Friday, May 14, 2004.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 3, 2004**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1680 of said Code;

the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations, Section 1005

Title 16, California Code of Regulations, Section 1005, is the existing Minimum Standards of Infection Control. The Dental Board of California is to review these standards annually. The proposed regulations delineate specific guidelines that include the proper procedures for use of protective attire; hand washing; disposal of sharp instruments and needles; sterilization and disinfection of instruments; cleaning and disinfection of the dental unit and environmental surfaces; disinfection and the dental laboratory; and other minimum standards to reduce or eliminate the transmission of pathogens.

The proposed regulations are intended to clarify and reorganize the regulations, so that they may be more easily readable and interpreted by the licensees. These regulations are also being updated to conform more to the Center For Disease Control (CDC) Guidelines.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation pertains to administering infection control guidelines in the dental office.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300, ext. 2327
Fax Number: (916) 263-2140
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Georgetta Coleman-Griffith
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825

E-Mail Address:
Georgetta_Coleman-Griffith@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Radisson Hotel, at 4545 MacArthur Boulevard, Newport Beach, California, 92660, on May 7, 2004, at 9:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, May 3, 2004 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Section 2518 of said Code, the Medical Board of California is considering changes to Division 13, Chapter 4, Article 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1379.26

Business and Professions Code Section 2518 requires completion of continuing education in areas that fall within the scope of the practice of midwifery, as specified by the Medical Board.

Title 16, CCR, Section 1379.26(a) lists the providers that are approved for continuing education credit by the Division of Licensing of the Medical Board. This regulatory proposal would expand the list to include those midwifery related courses that are offered by a provider approved by the California Board of Registered Nursing or the board of registered nursing of another state in the United States.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the implementation of the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Medical Board of California has determined that the implementation of this regulatory proposal will not have any impact on the creation of jobs or new businesses nor will the implementation result in the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses. The proposed amendment is solely an attempt to expand the allowable criteria for continuing education courses that are already available to other healthcare providers.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or

would be as effective and less burdensome to affected private persons than the proposal described in this notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons may be obtained at the hearing or prior to the hearing upon request from the persons designated in this notice under Contact Person or by accessing the Web site listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the person designated in this notice under Contact Person or by accessing the Web site listed below.

CONTACT PERSON

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Terri Kizer
Address: Medical Board of California
1426 Howe Avenue, Suite 56
Sacramento, CA 95825
Telephone No.: (916) 263-2393
Fax: (916) 263-2567
e-mail: tkizer@medbd.ca.gov

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kevin Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax: (916) 263-2387
e-mail: kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda Whitney
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825

Telephone No.: (916) 263-2389

Fax: (916) 263-2387

e-mail: lwhitney@medbd.ca.gov

Web site access: Materials regarding this proposal can be found at www.medbd.ca.gov.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of
California Notice Register 2003, No. 42-Z,
California Notice Register 2003, No. 46-Z,
California Notice Register 2003, No. 51-Z,
and Meetings of October 3 and December 5, 2003
and February 6, 2004.)

(NOTE: See Updated Informative Digest changes shown in **bold face type**.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050 and 8282 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 8275, 8282, 8284, 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9011, and 9012 of said Code, proposes to add Section 125, Title 14, California Code of Regulations, relating to the commercial take of rock crab.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A person must have a commercial fishing license, a general trap permit, and use a vessel that is commercially registered to participate in the commercial rock crab trap fishery. The proposed regulatory action would create a **northern and southern regional** rock crab trap permit requirement beginning April 1, **2005 with the north/south boundary located at Lopez Point (Lat. 36° N), Monterey County**. It also would establish eligibility requirements for obtaining a **northern or southern rock crab trap permit**, and the permit renewal process. Possession of a **valid 2005–2006 Nearshore Fishery Permit and trap endorsement or minimum landing requirements and a permit moratorium** are proposed for the southern region. Establishment of a control date is also proposed for the southern

rock crab trap permit to provide for limits on future participation if necessary. The proposed northern rock crab trap permit would be a non-restrictive permit with no minimum landing requirements. Tidal Invertebrate permits issued pursuant to Section 123, Title 14, CCR, are not required for the commercial take of rock crab. A fee is proposed for each annual permit. Only one individual aboard a vessel trapping rock crab would be required to have the **northern or southern** rock crab trap permit in addition to the individual's general trap permit. Other licensed fishermen assisting in the take of rock crab would still need a commercial fishing license and a general trap permit. The permit application process and appeal and renewal processes are also specified in the proposed regulations.

The proposed regulations provide that, as a condition of the permit, a rock crab trap permittee must abide by all the all provisions of the Fish and Game Code and regulations of the Fish and Game Commission relating to crabs and traps. Pursuant to Fish and Game Code Section 9005, every trap or string of traps deployed for purposes of commercially harvesting rock crab is currently required to be marked with a buoy. The proposed regulations would prohibit the use of timed buoy release mechanisms capable of submerging a buoy attached to a trap, commonly known as "pop-ups," on buoy lines attached to rock crab traps. The proposed regulations would also prohibit the possession of pop-ups on any vessel while taking or attempting to take rock crab under the authority of a **northern or southern rock crab trap permit**.

The Department is proposing that a **southern** rock crab trap permit may be issued to any licensed commercial fisherman who has a **valid 2005–2006 Nearshore Fishery Permit and trap endorsement, or a general trap permit**, and who has landed **south of Lopez Point (Lat. 36° N), Monterey County**, a minimum number of pounds of rock crab during a specified time period as documented by fish landing receipts submitted to the department in the individual's name and commercial fishing license identification number. A range of minimum catch levels and time periods are provided from which the Commission may select. A minimum of 0 to 2,000 pounds must have been landed in any single calendar year between (1990–1998) and (2002–2003), or the participant must have cumulatively landed a minimum of 0 to 2,000 pounds in the (1990–1998) through (2002–2003) time period. **Fishermen holding lobster permits taking rock crab incidentally during the lobster fishing season and in lobster trap gear would be exempt from the rock crab trap permit.**

The range of 0–2000 pounds over the multi-year window period or in a single calendar year was chosen to provide the Commission alternatives from which a selection could be made on the composition of the future fleet once the entire industry has been notified and provided input. This range would allow the Commission to choose either a specific performance standard in a single year to measure participation, or alternatively, determine a level of participation over an extended recent time period. The tables below provide a summary of the range of options and anticipated qualifiers under various performance scenarios based on evaluation of the Department's commercial rock crab landings data.

The updated tables below reflect catch information only in southern port areas and include only landings where trap was recorded as the gear used. The summary tables presented in the July 30, 2003 Initial Statement of Reasons included all landings throughout the state, and thus no longer accurately reflect the number of anticipated qualifiers under the proposed regional program.

**Rock Crab Commercial Catches
Over the 1998–2002 Window Period
from Morro Bay south**

Five-Year Total Catch	Number of Individuals
2,000 pounds or more	126
1,000 pounds or more	141
750 pounds or more	148
500 pounds or more	172
250 pounds or more	207
200 pounds or more	221
100 pounds or more	251
50 pounds or more	278
1 pound or more	329

**Rock Crab Commercial Catches
in a Single Year During 1998–2002 Window Period
from Morro Bay south**

Single-Year Catch	Number of Individuals
2,000 pounds or more	130
1,000 pounds or more	153
750 pounds or more	163
500 pounds or more	183
250 pounds or more	216
200 pounds or more	227
100 pounds or more	254
50 pounds or more	280
1 pound or more	329

Under the proposed regulations, applications for initial issuance of a southern rock crab trap permit must be received by the Department, or, if mailed, postmarked, on or before September 30, 2005. Applications for initial issuance of a southern rock crab trap permit received October 1 through October 31, 2005 shall be considered late and will

be assessed a \$50 late fee. Applications received after October 31, 2005 will not be considered. Beginning with the 2006–2007 permit year, only persons who held a valid southern rock crab trap permit during the immediately preceding permit year are eligible to obtain a permit for the following permit year. Under the proposed regulations, applications for renewal of a southern rock crab trap permit must be received by the Department, or, if mailed, postmarked, on or before April 30 of each year. Applications for permit renewal of a southern rock crab trap permit received May 1 through May 31 shall be considered late and will be assessed a \$50 late fee. Applications received after May 31 shall not be considered, and the permit shall be cancelled and shall no longer be eligible for renewal in subsequent years. The proposed southern rock crab trap permit shall be revoked: a) if the person fails to renew the permit annually or renew his or her commercial fishing license issued pursuant to Fish and Game Code Section 7852; or b) for violation of any fish and game regulation pertaining to the take of rock crabs or violation of the terms or conditions of the permit.

The proposed regulations would provide that any applicant who is denied initial Issuance or renewal of a southern rock crab trap permit may appeal that denial to the Department in writing describing the basis for the appeal. If the Department denies the appeal, an appeal may be made to the Commission.

Applicants are required to submit a commercial southern rock crab trap permit application form DFG 1324(9/03) along with the required fee. The Department is proposing an annual fee for the southern rock crab trap permit of \$50 to \$250. Funding will be required in order to implement the proposed permit system, track fishery landings, enforce the new regulations, staff appeal hearings, and review the program to determine if any modifications are needed. Based on estimates provided by the Department's Marine Region, License and Revenue and Enforcement Branches, the annual costs of the program may be estimated to be at least \$140,000 (including overhead and benefits).

Control date options from January 1, 2000 through March 31, 2003 were provided by the Department to the Commission to allow for industry input. Selecting a date of March 31, 2003 would give consideration to any fisherman who participated in the prior fishing season or earlier. Selecting a date of January 1, 2000 would acknowledge participation only by those in the fishery at or before the time that fishery representatives went to the Commission and formally requested that no new participants be allowed in the fishery.

The Department is proposing that a northern rock crab trap permit be may be issued to any licensed commercial fisherman who has a valid general trap permit that has not been suspended or revoked. The proposed northern rock crab trap permit would be a non-restrictive permit with no minimum landing requirements. Other licensed fishermen assisting in the take of rock crab using traps would still need a commercial fishing license and a general trap permit. The northern rock crab trap permit would be renewed annually by submitting application form DFG 1375 and the annual fee for the northern rock crab trap permit of \$50 to \$250.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Bahia Hotel, 998 W. Mission Bay Drive, in San Diego, California, on Tuesday, May 4, 2004 at 9:00 a.m., or as soon thereafter as the matter may be heard. It is requested that written comments be submitted on or before April 30, 2004 at the address given below, or by fax at (916) 653-5040, or by e mail to FGC@dfg.ca.gov, but must be received no later than May 4, 2004 at the hearing in San Diego, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Eric Larson, Ecosystem Coordinator, Department of Fish and Game, phone (650) 631-6788, 350 Harbor Blvd., Belmont, CA 94002, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested

may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Each permittee, buyer, and processor is considered a small business. The proposed permit program would cause some fishermen who have participated in the fishery in the past on a limited and sporadic level to lose some potential income if the initial issuance criteria selected requires a level of prior participation that has not been met. As the ex-vessel value of rock crab is \$1.30 to \$2.00 per pound, with prior catch history of 1,000 pounds over the five year window period, a maximum future loss might be estimated at between \$1,300 and \$2,000 per person over a five-year time period if that individual was to repeat the prior performance level and the Commission were to select a minimum catch history of 1,000 pounds for initial permit issuance. It is thought that since these individuals do not derive a significant portion of their income from this fishery, the economic impact would not be significant to those that may not qualify for initial permit issuance.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

Each individual who seeks to purchase a **southern** rock crab trap permit and meets the selected initial issuance criteria may purchase a permit at a cost of [\$50-\$250]. **The northern permit may be purchased at a cost of [\$50-\$250].** The permit may be renewed annually at the selected fee level. This funding is needed to offset program costs,

including funds needed to implement the initial permit program, track landings, enforce the new regulations, staff appeal hearings, review the program and develop any additional modifications to the program or develop other management strategies that may be needed once the program is implemented. See Section V(a) of the Amended Initial Statement of Reasons for additional information.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **Under the proposed regulations the Department of Fish and Game will collect new permit fees to offset increased costs of administering the Rock Crab Permit program, no fiscal impacts on other State agencies or Programs are anticipated. See Section V(a), for details on implementation and management costs.**
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of Register 2004, No. 8-Z, and Commission Meeting of February 6, 2004)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 206, 215 and 316.5, of said Code, proposes to

amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to the Klamath-Trinity River System.

Proposed changes to sections as set forth in the first Notice (Notice Register 2004, No. 8-Z, published February 20, 2004) remain the same, except new material shown in **bold face type** (see Updated Informative Digest below).

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Hook Size Change for Anadromous Waters of the Klamath River System: Current regulations in subsection (b)(91.1)(A)2. of Section 7.50 define Special Fishing Methods Restrictions for all anadromous waters of the Klamath River below Iron Gate Dam. These requirements restrict the use of single barbless hooks having a gap between the point and shank greater than $\frac{5}{8}$ inch; or, any multiple barbless hooks having a gap between the point and shank greater than $\frac{1}{2}$ inch. For clarification and in the interest of consistency, the Department is recommending language from Section 2.10, Hook and Weight Restrictions be substituted to subsection (b)(91.1)(A)2. of Section 7.50. This recommendation would define "Gap" and "Shank", restrict the use of any multiple hooks with a gap greater than $\frac{3}{4}$ inch or any hook with a shank longer than 2 inches, and restrict the use of any multiple hook or more than one single hook on non-buoyant lures exceeding one ounce. This recommendation will make fishing gear restrictions for all anadromous waters of the Klamath River system consistent with statewide restrictions for river and streams.

Quota Adjustment: Under current regulations in subsection (b)(91.1)(C), the allowable Chinook salmon harvest in the Klamath River system is based on spawning run-size predictions and spawning escapement goals. The harvest and the distribution of the catch are regulated by seasons, daily and weekly bag and possession limits, and area quotas and allocations.

Annual adjustment of the quota is necessary to meet natural and hatchery escapement needs for Klamath River fall-run Chinook salmon stocks, while providing equitable harvest opportunities for ocean (sport and commercial) and river (sport and tribal) users. The total river system recreational harvest of fall-run Chinook salmon is currently regulated by a quota. In 2003, the share, or impact quota, for the Klamath River basin allowable sport catch was 10,800 adult fish (26 percent of the total allowable harvest by non-tribal fisheries, including ocean-commercial, ocean-recreational and recreational-river fisheries).

Projections of the abundance of adult Klamath River fall-run Chinook salmon in the 2004 season are not yet available from the PFMC. However, preliminary examination of data available to Department staff suggests that the predicted 2004 adult fall-run Chinook salmon run will be greater than the 2003 run. Consequently, the Department is suggesting that the Commission consider a 2004 quota for the river-recreational fishery larger than that of last year, and for notice requirements, within a range of 5,000–21,000 adult Chinook salmon. The Commission also will consider modifying the share of the allowable catch allocated to the river recreational fishery (which was 26 percent in 2003). Adjustment of this share is included in the recommended 5,000–21,000 range of the quota. As in prior years, the river recreational fishing quota would be split evenly between fisheries above and below the boundary separating the Klamath River system sub-quota areas (see proposed boundary change below).

Change in Sub-Quota Boundary: The Department is recommending that the physical landmark designating the lower and upper sub-quota area for the Klamath River Basin be changed from Coon Creek Falls to the Highway 96 bridge at Weitchpec. The boundary is used to divide evenly the impact quota for adult fall-run Chinook salmon harvest into two sub-quota areas within the Klamath River Basin. There are two Coon Creek tributaries to the Klamath River. One enters the Klamath River 6 miles below the Highway 96 bridge at Weitchpec and the second enters the Klamath River approximately 8 miles upstream from the Highway 96 bridge. The Department receives several inquiries from anglers requesting additional information or clarification pertaining to which Coon Creek the regulations refer to. The Highway 96 bridge at Weitchpec is more identifiable and eliminates the confusion between the two Coon Creek tributaries. All regulatory language referencing Coon Creek Falls shall be changed to the Highway 96 bridge at Weitchpec. There will be no harvest impacts to anglers since the Klamath River Basin impact quota for fall-run Chinook salmon does not change.

Closures to Modify Allocations: Currently, the annual recreational impact quota is split evenly, with 50 percent of the quota allocated to the Klamath River below the Highway 96 bridge at Weitchpec (proposed boundary) and 50 percent to the remainder of the Klamath River Basin above the Highway 96 bridge at Weitchpec, including the Trinity River. Proposed regulations define three sub-quota areas above the Highway 96 bridge at Weitchpec. The three quotas ensure equitable harvest of adult fall-run Chinook in the upper Klamath and Trinity rivers.

The 2004 quota to be recommended by the PFMC is not currently known; however, it is expected to be larger than that established for the 2003 season. All closures for adult Chinook salmon will be designed to maximize and distribute the harvest of adult fall-run Chinook salmon while managing the fishery within the impact quota.

The current quota system requires the Department to monitor angler harvest of adult Chinook in each sub-quota area on a real-time basis. Due to likely funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the upper Klamath River above the Highway 96 bridge at Weitchpec and the Trinity River above Willow Creek for the 2004 season. Instead, the following recommendations are based on data analysis and management experiences from previous years that estimate harvest in the upper reaches of the Klamath River Basin relative to known harvest in the lower Klamath River.

1. Klamath River Main Stem—Allowable Fishing Season from the Highway 96 bridge at Weitchpec to 3,500 feet below Iron Gate Dam: The Department has reviewed all available Klamath Chinook harvest and run-timing data for the Klamath River from several previous years. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates creel data from the Klamath River from Iron Gate Dam downstream to the confluence with the Pacific Ocean. The HPM is driven by the positive relationship between the number of fall-run Chinook salmon harvested in the lower Klamath River and the number of fish harvested in the upper river. The HPM will allow the Department to implement fishing closures to ensure that anglers do not exceed established quota targets.

2. Upper Trinity River Main Stem—Allowable Fishing Season from Old Lewiston Bridge to the Highway 299 West Bridge at Cedar Flat: The Department has reviewed all available Trinity River Chinook harvest and run-timing data for this area. Based on this review, the Department has developed a HPM which incorporates creel data from the Klamath River from Iron Gate Dam downstream to the confluence with the Pacific Ocean. The HPM is driven by the positive relationship between the number of fall-run Chinook salmon harvested in the lower Klamath River and the number of fish harvested in the upper Trinity River. The HPM will allow the Department to implement fishing closures to ensure that anglers do not exceed established quota targets.

3. Lower Trinity River Main Stem—Allowable Fishing Season from Hawkins Bar Bridge (Road to Denny) Downstream to the Mouth of the Trinity:

The Department has reviewed all available Trinity River Chinook harvest and run-timing data for this area. Based on this review, the Department has developed a HPM which incorporates creel data from the Klamath River from Iron Gate Dam downstream to the confluence with the Pacific Ocean and the Trinity River from Lewiston Dam downstream to the confluence with the Klamath River. The HPM is driven by the positive relationship between the number of fall-run Chinook salmon harvested in the lower Klamath River and the number of fish harvested in the lower Trinity River. The HPM will allow the Department to implement fishing closures to ensure that anglers do not exceed established quota targets.

Increase in Daily Bag Limit, Weekly Bag Limit and Possession Limit: The 2004 quota to be recommended by the PFMC is not currently known; however, it is expected to be higher than that established for the 2003 season. Consequently, the Department is recommending an increase in daily bag, weekly bag, and possession limits for the 2004 Klamath River sport fishery.

The Department is recommending that the Commission consider the following Klamath River recreational fishery changes to reflect an increase in the Klamath River basin impact quota:

1. **Increase in Daily Bag Limit:** The daily bag limit, as specified in the current regulation, is three king salmon (Chinook salmon), but no more than one adult king salmon over 22 inches total length, and one hatchery trout or hatchery steelhead or brown trout. The Department is proposing that the Commission modify the king salmon daily bag limit to a total of three king salmon, but no more than two king salmon over 22 inches total length and one hatchery trout, or one hatchery steelhead or one brown trout.
2. **Increase the Weekly Bag Limit:** The current regulation specifies that no more than four king salmon over 22 inches total length may be retained in any seven consecutive days. The Department is proposing that the Commission increase the weekly bag limit to six king salmon over 22 inches total length in any seven consecutive days.
3. **Modify Possession Limit:** The current regulation specifies that no more than 12 king salmon may be possessed, of which no more than four may be over 22 inches total length. The Department is proposing that the Commission modify the possession limit to 12 king salmon may be possessed, of which no more than six may be over 22 inches total length.

Special Wild Steelhead Harvest Area: Current regulations prohibit the harvest of wild steelhead in the Klamath-Trinity River system. During the mid-1990's, declines in wild steelhead populations were noted within the Klamath River system and regulations were imposed to limit the harvest of wild steelhead. During the past three years (2001–2003) various forms of evidence suggest that wild steelhead populations in the Klamath River have increased substantially since the mid-1990s.

Based on increases in wild steelhead populations in the main stem of the upper Klamath River, the Department is proposing to allow a limited harvest of wild steelhead in the upper most 11-mile reach of the Klamath River. This proposal will allow anglers to harvest one adult wild steelhead per day, but no more than 3 per season, in the Klamath River from 3,500 feet below Iron Gate Dam to the Interstate 5 Bridge during a four-month period from November 1 through February 28. All other angling regulations pertaining to steelhead in the Klamath River and its tributaries will remain unchanged. The purpose of this proposal is to provide anglers with additional steelhead fishing opportunities.

Options to Open the New River to Angling: The Department supports maintaining the closure of the New River and other Trinity River summer steelhead holding tributaries. Plentiful angling opportunity exists to fish for wild summer steelhead in their migratory corridor of the main-stem Trinity river downstream of their summer holding habitat. This is consistent with the Department's policy to allow fishing for sensitive stocks only in migratory areas and not in holding areas.

The Department recognizes that substantial increases in returns of summer steelhead have occurred on the New River over the past three years, but is still concerned with highly variable returns between years and lack of adequate personnel resources to conduct necessary angler-impact monitoring.

The Commission has received written and oral testimony from members of the public recommending New River be opened to angling. At the December 5, 2003 Commission meeting, the Department was asked to develop options which would allow limited angling opportunities in the New River

Summer steelhead enter the New River starting in April and over summer in deep pools until the first rains in late fall. A 1991 study found that many summer steelhead within the main-stem New River once within a pool remain in that same pool for up to seven months. These fish are extremely vulnerable and could possibly be stressed repeatedly if angling were allowed throughout the entire season. Subsequently,

the Department has developed two options which would promote summer steelhead conservation while providing some amount of angling opportunities in the New River.

New River Option 1:

Open the New River to fishing from the Saturday preceding Memorial Day to July 15 and September 15 to November 15, from the confluence of Slide and Virgin Creeks downstream to the confluence with the Trinity River. Only artificial lures with barbless hooks, with a zero bag limit would apply.

The Department has several concerns with this option. Mainly, it fails to adequately protect juvenile out-migrants and adult summer steelhead. The earlier of the two open season proposed by Option 1 (Saturday after Memorial Day—July 15) does not afford the protection needed for out-migrating smolts, which peak in May and continue out-migrating through July. In addition, studies have documented that mortality due to stress associated with catch and release fishing increase as water temperatures approach 70 degrees F. Water quality studies on New River have documented water temperatures meeting or exceeding 70 degrees F during early June and extending throughout the summer. The Department does not support this option due to the potential mortality of out-migrating smolts and the increased catch and release mortality to adult summer steelhead associated with elevated water temperatures.

New River Option 2:

Open the New River to fishing from September 15 through November 15, immediately downstream of the confluence pool of Slide and Virgin Creeks downstream to the confluence with the Trinity River. Only artificial lures with barbless hooks, with a zero bag limit would apply.

Option 2 is a possible compromise between proposed Option 1 and the current status quo (complete closure to fishing). Option 2 would not allow angling in the earlier part of the season (Saturday preceding Memorial Day through July 15) in order to protect summer steelhead and downstream migrating smolts. The Department is concerned that elevated water temperatures during June through July 15 would result in increased catch and release mortality of adult summer steelhead.

Option 2 also proposes a slightly different open area than Option 1. Historically, the confluence pool of Virgin and Slide Creek with the New River was never open to angling. Option 2 proposes opening the area downstream of the confluence pool, but not including the confluence pool. This pool requires additional protection necessary because of its propensity to congregate large numbers of steelhead. The entire main-stem of the New River would be open to angling,

while protecting those fish that are holding in the upstream most pool in the main-stem system.

New River Option 3:

Allow fishing in the main-stem New River from the mouth upstream to the confluence of the East Fork from September 15 through November 15. Gear would be restricted to artificial lures with barbless hooks (no bait), and a zero bag would apply.

The upper most reaches of the New River (upstream of the confluence of the East Fork) contain approximately 30 percent of the adult summer steelhead holding pools. This area is extremely remote and very difficult to monitor. Because of the uncertainty and the potential negative impacts to adult summer steelhead that may occur from excessive angling, an option which maintains some protected areas would be beneficial. The Department considers this option the most conservative of the three options presented but does not afford the maximum protection for summer steelhead found in current regulations. This option would be consistent with the regulations that were in place prior to 1999 when the FGC adopted a complete angling closure on New River.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on April 2, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the **Bajia Resort Hotel, 998 W. Mission Bay Drive, San Diego, CA, on May 4, 2004, at 9:00 a.m., to consider adoption of the proposed Klamath-Trinity River Sport Fishing regulations. It is requested, but not required, that written comments may be submitted on or before Friday, April 30, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Tuesday, May 4, 2004 at the hearing in San Diego. All correspondence, including E-mail, must include the true name and mailing address of the commenter.**

The regulations as proposed in strikeout-underline format, as well as all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding phone number. Jim Hopelain, (916) 445-3597, Department of Fish and Game, has been designated to

respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River businesses which provide goods and services related to fishing. The proposed changes are

necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of Register 2004, No. 8-Z, and Commission Meeting of February 6, 2004)

(NOTE: To be responsive to public input on proposed changes in the mammal hunting and trapping regulations, the Commission is exercising its powers under Section 202 of the Fish and Game Code. Some changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, has open to public review its regulations in Division 1, Title 14, California Code of Regulations, Part 2, Chapter 1, General Provisions and Definitions; Chapter 2, Resident Small Game; Chapter 3, Big Game; Chapter 4, Depredation; Chapter 5, Furbearing Mammals; and Chapter 6, Nongame Animals.

Proposed changes to sections as set forth in the first notice regarding Mammal Hunting and Trapping Regulations (Notice Register 2004, No. 8-Z, published February 20, 2004) remain the same, **except for additional public recommendations proposed for new Sections 311 and 708, and amendments made to subsection 360(c) and Section 364 (see Informative Digests below).**

Also, proposed changes to the Department of Fish and Game recommendation to amend sections 465, 465.5, 467, 475, and 478; and to add sections 458.1, 459, 459.1, 459.2, 465.6 and 468, Title 14, CCR has been withdrawn at the request of the Department. At the February 6, 2004 meeting of the Commission, the Department submitted an Initial Statement of Reasons for trapping regulations. All of these amendments and additions were submitted to allow compliance with Senate Bill 1645, passed in 2002, which required individuals for hire, trapping nuisance wildlife, to obtain a trapping license issued by the Department. During the effort to incorporate suggestions from interested parties with diverse opinions, it has become obvious that there are a number of technical legal questions that must be answered before we can proceed with regulatory changes involving trapping. We are removing these sections from any consideration for change under this rulemaking. The Department of Fish and Game will continue to work with their legal staff, and request to go to notice for changes to the trapping regulations at the Commission's June 25, 2004 meeting.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and pre-

scribe the manner and means of taking as part of the 2004–2007 Mammal Hunting and Trapping Regulations.

**Section 311, Title 14,
California Code of Regulations
Re: Methods Authorized for
Taking Resident Small Game**

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Section 311 of Title 14 of the California Code of Regulations lists methods authorized for taking resident small game. Subsection 311(g) provides for the use of box traps to take rabbits, but restricts this method of take to San Diego County. The proposed change would extend the use of box traps for taking rabbits to Orange County. This change was requested by members of an association of homeowners to provide hunting opportunity for rabbits in an area where the use of firearms and air rifles is prohibited, and to help alleviate damage caused by a large population of cottontails to ornamental plants.

Subsection 360(c), Title 14,
California Code of Regulations
Re: Deer: Additional Hunts

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing regulations for Additional Hunt G-10 (Camp Pendleton Either-Sex Deer Hunt) provide for hunting on Saturdays and Sundays for ten consecutive weekends. In certain years, the ten weekend season concludes prior to the Thanksgiving Day holiday weekend due to calendar shifts, resulting in a reduction of hunter opportunity. In addition, certain federal holidays occur on weekdays when the base is normally closed and additional hunter opportunity is lost. The proposal would modify the season to specifically include: the Columbus Day and Veterans Day holidays, the day after Thanksgiving, and permit hunting to occur through the Sunday following Thanksgiving Day, therefore providing an increase in hunter opportunity as requested by the Base, while maintaining consistency with existing deer herd management plan recommendations.

Existing regulations for Additional Hunt G-13 (San Diego Antlerless Deer Hunt) provide for a sixteen day season beginning the fourth Saturday in October. The Department has received numerous requests from the local public to increase opportunity on this hunt by

extending the season length. The proposal would add seven days to the end of the current season, therefore meeting a specific public demand for additional hunting opportunity, while maintaining consistency with existing deer herd management plan recommendations.

Existing regulations provide for a general deer hunting season, including area description, season, bag and possession limit, and number of tags for hunting deer during the general season in Zone X-9a (Section 360 (b)(13)(A-D), title 14, CCR). Deer residing in Zone X-9a are from two different herds, the Casa Diablo Deer Herd and the Round Valley Deer Herd (formerly Buttermilk and Sherwin Grade Deer Herds). These two herds differ drastically with regard to herd distribution and the proportion of bucks available during the general hunting season. This condition has resulted in a disproportionately higher hunter effort and increased buck harvest, and buck ratios below objectives on the Casa Diablo herd, while the converse exists on the Round Valley herd. The proposal creates a new additional hunt, G-39 (Round Valley Late Season Buck Hunt). The area description would be the same as those described for additional hunt J-12. The season would begin the fourth Saturday in October and continue for sixteen consecutive days. The bag and possession limit would be one buck, forked horn or better, per tag with a tag quota range of 5-150 tags. The creation of this hunt would meet an expressed public demand for additional late season buck hunting opportunity and be consistent with existing deer herd management plan recommendations by providing a more equitably distribution of hunter effort and buck harvest within the Zone X-9a deer herds.

Existing regulations provide deer hunting area descriptions, seasons, bag and possession limits, and number of tags for Zone C-4. The zone currently

provides limited special junior deer hunting opportunity. The proposal creates a new additional hunt, J-21 (East Tehama Junior Either-Sex Deer Hunt). The area would include the Tehama County portion of Zone C-4. The season would begin the third Saturday in September (Zone C-4 opening) and continue 44 consecutive days (close with Hunt G-1). The bag and possession limit would be one, either-sex deer with a recommended tag quota range of 20-80 tags. Special conditions would be: junior license holders only may apply, and junior hunters must be accompanied by an adult chaperon, 18 years of age or older. This proposal would meet an expressed public demand for increasing hunting opportunity for young hunters, maintain appropriate harvest levels in the Zone C-4 deer herds, and be consistent with existing deer herd management plan recommendations.

Some minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

Pursuant to Fish and Game Section 459, a public meeting was held and a letter of resolution in opposition to Hunt J-16 was received from the Butte County Boards of Supervisors, thus invoking their veto authority over either-sex hunt J-16. The proposed change would modify Hunt J-16 by excluding Butte County from the area description.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500–5,000	M-11	20	20–200
G-3	25	5–50	MA-1	150	20–150
G-6	50	25–100	MA-3	150	20–150
G-7	20 Military *	20 Military *	J-1	25	10–25
G-8	30 Military * 30 Public	10–80 Military * and Public	J-3	15	15–30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15–50
G-10	300 Military *	100–480 Military *	J-7	15	10–30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10–20
G-12	30	25–75	J-9	5	5–10
G-13	300	50–300	J-10	10 Military * 30 Public	10–80 Military * and Public
G-19	35	10–65	J-11	40	10–50
G-21	25	25–100	J-12	10	10–20
G-37	25	25–50	J-13	40	25–100
G-38	300	50–300	J-14	30	15–75
G-39	New	5–150	J-15	10	5–30
M-3	60	20–75	J-16	75	10–75
M-4	5	5–50	J-17	25	5–25
M-5	10	5–50	J-18	75	10–75
M-6	80	25–100	J-19	25	10–40
M-7	150	50–150	J-20	20	5–20
M-8	10	5–75	J-21	New	20–80
M-9	5	5–100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense

**Section 364, Title 14,
California Code of Regulations
Re: Elk
UPDATED INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations specify elk license tag quotas for each hunt. It is necessary to adjust quotas periodically, in response to dynamic environmental and biological conditions. This proposed amendment

makes the following specific changes in license tag quotas: Increase the quota for the Siskiyou Roosevelt Elk Hunt from 25 either-sex tags to 15 antlerless and 15 either-sex tags; Reduce the quota for the Klamath Roosevelt Elk Hunt from 15 antlerless and 15 bull tags to 10 antlerless and 10 bull tags; Reduce the archery only quota for the Northeastern California Rocky Mountain Elk Hunt from 7 either-sex to 5 either-sex tags; Reduce the archery only quota for the Owens

Valley Tule Elk Hunt from 7 either-sex to 5 either-sex tags; Change the quota for the Fort Hunter Liggett Tule Elk Hunt from 20 antlerless and 14 bull tags to 40 antlerless tags (10 of them designated archery only), 6 either-sex tags (designated archery only) and 14 bull tags. Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

Existing regulations specify boundaries for the Siskiyou Roosevelt and Northeastern California Rocky Mountain Elk hunts. The proposed change expands the Siskiyou zone eastward and concomitantly reduces the Northeastern zone. Expansion of the Siskiyou zone is warranted; elk wintering in the Siskiyou hunt area often move across the existing boundary into the area proposed for inclusion within the Siskiyou zone. Adjustment of boundaries will improve hunting opportunities and facilitate increasing the quota for the Siskiyou hunt. The proposed amendment will have minimal effect on hunt opportunity within the Northeastern California zone because this zone is large and the greatest concentrations of elk occur within eastern portions that are unaffected by the boundary adjustment.

Existing regulations specify boundaries for the Big Lagoon Roosevelt Elk Hunt. Non-substantive changes are proposed to simplify and clarify the boundary description.

Existing regulations specify boundaries for the La Panza Tule Elk Hunt. The proposal expands the La Panza boundary, consistent with the natural range expansion of tule elk which has occurred since this hunt was established in 1993. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for tule elk in the area.

Existing regulations make no provision for public tule elk hunting in the Owens Valley west of US Highway 395. The proposal will establish the West Tinemaha Zone on the west side of Highway 395 near Tinemaha Reservoir, with 6 bull and 6 antlerless tags (designated archery only and evenly distributed among three hunt periods), valid for both the Tinemaha and West Tinemaha zones. Establishing a new tule elk hunt zone in the Owens Valley will provide additional elk hunting opportunities and is consistent with statewide management objectives for tule elk.

Existing regulations do not provide for public tule elk hunting in Colusa and Glenn counties near East Park Reservoir. The proposal will establish a new tule elk hunt in the vicinity of East Park Reservoir, with 2 bull and 2 antlerless elk tags divided among three hunt periods in September. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations specify season dates for two hunt periods for the Fort Hunter Liggett Tule Elk Hunt. The proposed change will move the opening dates for Period One to the fourth Wednesday in November, and Period Two to the Wednesday after the second Saturday in December. Length of these hunt periods remains unchanged at 5 consecutive days. The proposal establishes season dates for Period Three, which will open on the last Wednesday in December and continue for 5 consecutive days. The proposal also establishes an Archery Only Season on weekends (Saturdays and Sundays) and the Labor Day Holiday in September. Significantly increasing the tag quota for the Fort Hunter Liggett Tule Elk Hunt requires modifying existing season dates and establishing two additional hunt periods to meet hunter demand. Minor editorial changes are proposed to improve clarity and consistency of the regulations. Specifically, the amendment updates the year to 2004 and makes other minor changes to reduce redundancy.

Based on constructive public input, regulatory language in the Initial Statement of Reasons was changed to establish an earlier season for the Owens Valley Tule Elk fund-raising hunt. This hunt will begin on the last Saturday in July and continue for 30 consecutive days. An earlier season will improve hunter satisfaction by allowing bulls to be taken when the condition of their antlers is optimal.

**Section 708, Title 14,
California Code of Regulations
Re: Big Game License Tag, Application,
Distribution and Reporting Procedures
INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations reference the 2003/2004 hunting license year and include outdated revision dates on hunting application forms for deer, Nelson bighorn sheep, antelope, elk and bear. Leaving these outdated references will create an inconsistency between the actual forms and regulatory language. The proposed changes would update references to the application forms in order to reflect the new license year and form revision dates, thereby eliminating any confusion.

Existing regulations provide for the purchase of resident wild pig license tags in packets of five (5) tags. Recent changes in Fish and Game Code Section 4654 specify that resident wild pig license tags shall be sold individually. Leaving the reference to "packets of five" tags will create an inconsistency between regulatory language and Fish and Game Code and may lead to confusion. The proposed change would eliminate references to resident wild pig license tags being available in

“packets of five” and specify that resident wild pig license tags are available individually, thereby eliminating any confusion.

Existing regulations provide fees for various big game applications and tags including: deer tag exchange fees; and application and tag fees for bighorn sheep, antelope and elk. Pursuant to Section 713, Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. The proposed changes would revise fees listed in Section 708 for consistency with Section 713 adjustments.

Existing regulations provide specific mailing addresses for submitting big game applications. The proposed change deletes all references to these addresses and specifies a mailing address directly on the application.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on April 2, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested that all written comments be submitted on or before April 6, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov. All correspondence, including E-mail, must include the true name and mailing address of the commenter.

NOTICE IS FURTHER GIVEN that any person interested may be present at a hearing relevant to this action to be held at a teleconference meeting in the Resources Building Room 1320 Conference Room, 1416 Ninth Street, Sacramento, CA, on April 22, 2004, at 10:00 a.m., to consider adoption of the proposed Mammal Hunting Regulations for the 2004–2007 seasons. Additional testimony on the proposed regulations will be received on substantive changes or if regulatory alternatives are under consideration.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon Snellstrom at the preceding phone number. John Carlson, (916) 445-3555, Branch Chief, Wildlife Programs Branch, has been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statement of reason, including the regulatory language, may be obtained from the above

address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 311, Re: Methods Authorized for Taking Resident Small Game

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant economic impact to businesses.

Subsection 360(c), Deer: Additional Hunts

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 364, Elk

The agency is not aware of cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts, adjusts hunt boundaries, and establishes new hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action updates administrative form references and revision dates for clarification within the regulation, provides consistency with Fish and Game Code; adjusts fees pursuant to Section 713, and is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DEPARTMENT OF FISH AND GAME

**CONSISTENCY DETERMINATION
Fish and Game Code section 2080.1
Tracking No. 2080-2004-002-00**

PROJECT: 15 Repair Sites on the KLM Pipeline
LOCATION: KLM Pipeline, Contra Costa, San Joaquin, Stanislaus, and Merced Counties
APPLICANT: ChevronTexaco Pipeline Company (CTPC)

BACKGROUND

The Proposed action involves the immediate repair of 15 sections of the Kettlemen Los Medanos (KLM) Pipeline between Mile Post (MP) 92.74 in Fresno County and MP 159.94 in Contra Costa County. The proposed pipeline repairs are required by federal pipeline safety regulation 49 CFR 195.452. The project will be carried out by approximating the locations of the repair sites using a "smart pig" that detects anomalies in the pipeline, and then exposing sections of the pipeline to identify the exact position of the anomaly (weld sites or dents). In addition the proposed project will include access roads, staging areas, and repair areas. The Department of Fish and Game ("Department") has determined that the project has the potential to affect the San Joaquin kit fox (*Vulpes macrotis mutica*) and the blunt-nosed leopard lizard (*Gambelia sila*), which are species listed as threatened or endangered under the California Endangered Species Act, Fish and Game Code sections 2050 et seq. ("CESA"). The blunt-nosed leopard lizard is also a fully protected species under section 5050 of the Fish and Game Code.

On February 2, 2004, the U.S. Fish and Wildlife Service ("Service") issued a biological opinion to the Office of Pipeline Safety, Research and Special Programs Administration (File No. 1-1-04-F-0088) that describes the project and sets forth measures to avoid and/or mitigate impacts to the San Joaquin kit fox and the blunt-nosed leopard lizard and their habitat. On February 6, 2004, the Director of the Department received a notice from ChevronTexaco Pipeline Company (CTPC) seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the biological opinion is consistent with CESA.

DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, the Department has determined that federal biological opinion

1-1-04-F-0088 is consistent with CESA for incidental take of the San Joaquin kit fox, because the project and mitigation measures described in that opinion meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for incidental take of species listed under CESA. The Department specifically finds that the mitigation measures identified in the biological opinion will minimize and fully mitigate the Project's potential impacts on San Joaquin kit fox. These measures include, but are not limited to, the following requirements:

1. Chevron will compensate for the loss of potential threatened and endangered species habitat associated with the repair project through the conservation of 1.1 acres of suitable habitat for every 1 acre of habitat impacted by project activities, at a site approved by the Service, within 2 years of initial ground disturbance.
2. Conservation measures identified in the Service's *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be fully implemented, including but not limited to, revegetation of disturbed areas with native plant species, covering of all steep walled holes and trenches, minimization of night time construction, and a 20 mph speed limit.

The Department has determined that federal biological opinion is not consistent with CESA for the blunt-nosed leopard lizard because it authorizes take of blunt-nosed leopard lizards. Section 5050 of the Fish and Game Code prevents the Department from authorizing incidental take of this species under CESA. Take of blunt-nosed leopard lizards must therefore be avoided to carry out the project in a manner consistent with CESA. After reviewing the above-referenced biological opinion, relevant documents, and the proposed project description, the Department believes that take of blunt-nosed leopard lizards will not occur.

Pursuant to section 2080.1 of the Fish and Game Code, with this determination CTPC will not need to obtain authorization pursuant to CESA for take of San Joaquin kit fox for the project as it is described in the biological opinion, provided CTPC complies with the mitigation measures and other conditions described in the biological opinion.

If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service replaces or substantively amends the biological opinion, CTPC will be required to obtain a new Consistency Determination or a CESA incidental take permit from the Department.

Although not a conditions of the Biological Opinion or this Consistency Determination, the Department requests that: 1) pre-construction surveys include

surveys for the state-listed San Joaquin antelope ground squirrel, where appropriate, and 2) copies of the annual or periodic monitoring reports, or other circulated materials relevant to the project's effects on San Joaquin kit fox, be submitted to the appropriate Regional Office for each repair site.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Conducting Ecological Investigations on the "Ring-tailed cat" (*Bassariscus astutus*)

The Department of Fish and Game ("Department") received a proposal in 2003, from Mr. Dave Wyatt, requesting renewal of his prior authorization to take the Ring-tailed cat (*Bassariscus astutus*), a Fully Protected Mammal, for research purposes, consistent with the protection and recovery of the species. Mr. Wyatt has been conducting ecological studies on ringtails for over 5 years.

The applicant is currently applying for renewal of his required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include the following, to be conducted from 2004–2008: 1) Continue an ongoing (since 1987) ecological study of ringtails including live-capture with walk-in, baited cage traps, short-term tranquilization, attachment of small ear tags, measuring of standard body dimensions, collection of ectoparasites, and release at live capture site. There is the potential that radio-marking studies may occur during this period if funding becomes available. The research will occur in various counties of California, primarily in Sutter County, Stanislaus County, and San Bernardino County. The research will continue for at least five years and may involve some recapture to ascertain changes in physical condition of recaptured ringtails.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) or letter permit that would authorize the applicant, as Principal Investigator, to carry out the proposed activities. This MOU/permit would be similar to an MOU entered into between the applicant and the Department for the last several years.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Mammals after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent

with the requirements of FGC Section 3511 for take of Fully Protected Mammals, it would issue the authorization on or after April 19, 2004, for a term of five years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn: Dale Steele.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring and Protecting California Least Tern Nesting Colonies, San Francisco Bay Area

The Department of Fish and Game ("Department") received a request dated February 9, 2004, from Ms. Laura Collins, Field Biologist/Consultant, Berkeley, for renewal of her existing authorization to take California Least Tern (*Sterna antillarum browni*), a Fully Protected Bird, for research purposes, consistent with the protection and recovery of the species.

The applicant has the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The applicant requested renewal of her existing MOU (term March 12, 2002 to March 1, 2004) with no changes in permit conditions. Approved activities under that 2002–2004 MOU included enhancing Least Tern nesting areas and nesting conditions; entering active Least Tern nesting colonies to mark nests and to gather necessary data used in monitoring nesting status and identifying threats from humans and predators; banding Least Terns under a Federal bird marking and salvage permit; and removing from colonies any carcasses and dead eggs to avoid attracting predators or to collect and deposit specimens, as provided under Federal permit. The Department intends to re-issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to continue to carry out the proposed activities. As this bird also is a federally endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue the authorization on or after March 15, 2004, for a term of five years.

Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Protecting and Monitoring California Least Tern Nesting Colony at Oceano Dunes, San Luis Obispo and Santa Barbara Counties

The Department of Fish and Game ("Department") is considering amending an existing Memorandum of Understanding (MOU) that authorizes employees, and their authorized assistants, of Oceano Dunes Vehicular Recreation Area, San Luis Obispo and Santa Barbara counties, California Department of Parks and Recreation ("Parks"), to take California Least Terns (*Sterna antillarum browni*), a Fully Protected Bird, for conservation and research purposes, consistent with the protection and recovery of the species.

Parks is requesting additional authorization to enter active Least Tern night roosting areas for the purposes of identifying specific use areas and, if necessary, providing protective measures.

The applicants have the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. As this bird also is a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit. The existing MOU is between Parks and the Department for the period June 10, 2003 to October 31, 2004. The term of the MOU may be extended by the Department beyond Oct. 2004, as part of this amendment.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would amend the existing Memorandum of Understanding on or after April 19, 2004. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

**DEPARTMENT OF
FISH AND GAME**

PUBLIC INTEREST NOTICE

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES**

Monitoring California Brown Pelican Nesting
Colonies on West Anacapa Island and
Santa Barbara Island, Conducting Analysis of
Brown Pelican Diet, and Conducting
Radio Telemetry Studies

The Department of Fish and Game ("Department") received a proposal in September 2003, from Dr. Franklin Gress of the California Institute for Environmental Studies, Davis, CA., requesting renewal of his prior authorization to take California Brown Pelicans (*Pelecanus occidentalis californicus*), a Fully Protected Bird, for research purposes, consistent with the protection and recovery of the species. Dr. Gress has been conducting ecological studies on brown pelicans since 1970.

The applicant is currently applying for renewal of his required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include the following, to be conducted from 2004–2008 with funding from the U.S. Fish and Wildlife Service (USFWS), the Department, and other entities: 1) Determine breeding success of brown pelicans nesting on West Anacapa Island and Santa Barbara Island, CA., via passive observation from a distance and post-breeding inspection of nest sites once the birds have left the island; 2) Collect diet samples (regurgitations) from 50–100 pelican chicks per year on West Anacapa Island and Santa Barbara Island, and band all chicks handled; 3) Analyze the composition of these diet samples (fish remains), as well as those collected in 2003; 4) Conduct otolith analyses to determine the contents of food collections where individual fish species cannot be positively identified in the field; otolith analysis will also be used as a comparison with field identification; 5) Results of the diet analyses will be compared with food samples collected in the late 1970s and early 1980s to determine if prey composition changes have occurred over a 25 year period; and 6) Radio-mark and band brown pelicans in the Salton Sea area and possibly in other locales in California as may be desired by the Department and USFWS or other

entities to understand movement patterns, mortality factors, and general life history. Blood samples may also be taken in some years to assess general health and disease concerns.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) or letter permit that would authorize the applicant, as Principal Investigator, to carry out the proposed activities. This MOU/permit would be similar to an MOU entered into between the applicants and the Department for the last several years. As this bird also is a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit, and banding permit. The applicant already has federal permits for the work described above.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue the authorization on or after April 19, 2004, for a term of five years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn: Dale Steele.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

**Final Decision to Certify a Hazardous Waste
Environmental Technology**

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) hereby certifies the following company's hazardous waste environmental technology:

INFICON®, INC. HAPSITE® Portable Gas Chromatograph Mass Spectrometer, a Field and Laboratory Instrument for the Measurement of Volatile Organic Compounds.

California Health and Safety Code section 25200.1.5 authorizes DTSC to certify the performance of hazardous waste environmental technologies. Hazardous waste environmental technologies are certified pursuant to regulations found in Title 22 of the California Code of Regulations (CCR 22), Chapter 46, section 68000 et seq. Only technologies that are determined not to pose a significant potential hazard to

the public health and safety or to the environment when used under specified operating conditions may be certified. The purpose of the certification program is to provide an in-depth, independent review of technologies to facilitate regulatory and end-user acceptance and to promote and foster growth of California's environmental technology industry.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of the public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, responsibility for maintaining the quality of the manufactured equipment and materials at a level equal or better than was provided to obtain certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's proposed decision to certify was published in the California Regulatory Notice Register, Volume 2004, No. 4-Z, pages 95-97, of January 23, 2004 and has been subject to public review and comment. Written comments were not received.

An Evaluation Report supporting the Department's decision is available for review at the Hazardous Materials Laboratory and can be emailed upon request to Dr. Ruth Chang (see below) or can be obtained from DTSC web site

(<http://www.dtsc.ca.gov/ScienceTechnology/index.html>).

California Environmental Protection Agency, Department of Toxic Substances Control, Hazardous Materials Laboratory, 700 Heinz Avenue, Berkeley CA 94710-2737, Attn.: Dr. Ruth R. Chang (510) 540-2651, rchang@dtsc.ca.gov.

A description of the technology to be certified, the proposed certification statement, and the certification limitations for the technology of the company listed above follow.

CERTIFICATION PROGRAM FOR HAZARDOUS WASTE ENVIRONMENTAL TECHNOLOGIES TECHNOLOGY CERTIFICATION

Technology:

HAPSITE® Portable Gas Chromatograph Mass Spectrometer, a Field and Laboratory Instrument for the Measurement of Volatile Organic Compounds.

Manufacturer:

INFICON®, Inc., Two Technology Place, East Syracuse, NY 13057, Tel. 800-223-0633, <http://www.INFICON.com>

Technology Description

HAPSITE technology is based on the principle of quadrupole GC/MS, using high-energy electron impact ionization. The sample components are separated by a gas chromatograph (GC) column and passed into a mass spectrometer (MS) via a membrane interface. The selective membrane is permeable for volatile organic compounds (VOCs), but excludes inorganic constituents, such as nitrogen gas, from the MS. Compound identifications are based on matching ion spectra in the National Institute for Standards and Technology (NIST) library. The HAPSITE is designed to analyze volatile organics in a gas phase. In conjunction with a headspace equilibrium sampling accessory, the instrument has the capability to detect the chemical equilibrium concentration in the vapor phase to measure VOCs from liquid and solid samples. The technique applies to chemicals typically with molecular weights of 45 to 300 amu, and with boiling points approximately from -50°C to +180°C. The internal standard gas is used as mass calibrator for compound identification and quantitation. The HAPSITE system is lightweight, completely self-contained and portable for field applications. In the field-portable mode, with a hand control unit, the analysis can be performed at the sampling point for emergency response. In the transportable mode, the HAPSITE mounted on a service module can be operated in a van for on-site analysis. In the stationary mode, the HAPSITE can be set up as laboratory equipment by using the carrier gas from a high-pressure cylinder. The instrument is loaded with software for automatic instrument calibration and with methods for sampling and analysis. The analytical procedures for air (including vapor and gas), water, and soil analysis are established by INFICON for environmental applications.

Certification Statement

Under the authority of section 25200.1.5 of the California Health and Safety Code, the Department hereby certifies the performance of the HAPSITE Portable Gas Chromatograph—Mass Spectrometer manufactured by INFICON, Inc, as a Field and Laboratory Technology for the measurement of volatile organic compounds in environmental media as specified herein. According to the standard operating procedures established by the manufacturer, the HAPSITE system is capable of measuring most of the compounds listed under EPA Method 8260B in air, water, soil and soil gas.

The HAPSITE Practical Quantitation Limits (PQLs) are compound and matrix specific. INFICON defines the Practical Quantitation Limit as the lower bound of the calibration range and represents a peak-to-peak signal to noise ratio of 10:1. For those chemicals specified by INFICON, the HAPSITE Practical Quantitation Limits are 5 to 20 µg/L for water analysis, 0.2 to 0.5 ppmv for vapor phase analysis, and 10 to 40 µg/kg for soil analysis. Under normal environmental conditions, the relative standard deviation (RSD) of replicate analysis is expected to be $\leq 20\%$ and the recoveries expected to be $\pm 25\%$ of the spiked values over the instrument calibration range. With an established 5-point calibration curve and appropriate quality control and quality assurance (QA/QC) program, the groundwater data obtained from HAPSITE analysis are comparable to that of EPA Method 8260B. The air QC study and the soil gas analysis of VOC contaminated sites indicated the HAPSITE data were well correlated to that of EPA Method TO-14 and Method TO-15. Relative to laboratory methods, GC and GC/MS, the HAPSITE has greater dynamic range to analyze samples up to ppm or percent level without over-saturating the instrument. For soil analysis, the HAPSITE reported values obtained from proficiency testing for the high and low level soil were within the acceptable limits established by Resource Technology Corporation (RTC), the proficiency test sample provider approved by the National Voluntary Laboratory Accreditation Program (NVLAP). However, due to the heterogeneity of environmental soil, the applications of HAPSITE on soil analysis based on equilibrium sampling warrants further investigations that analyze a wide range of VOCs in different soil types at various concentration levels. The HAPSITE measurement system has been demonstrated to be a viable cost effective technology to support site characterization, cleanup and remediation activities.

The HAPSITE is specifically designed for field use. With the advantages of fast on-site analysis, the INFICON HAPSITE significantly improves the sample turnaround time to generate data in a timely manner for the protection of public health and the environment.

Limitations of Certification

The Department makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The Department has not conducted all the bench or field tests to confirm the manufacturer's performance data. Nor does the Department warrant that the manufacturer's product or equipment is free from any defects in workmanship or material caused by negligence, misuse, accident, or other causes.

The Department believes, however, that the manufacturer's product or equipment can achieve performance levels set out in this Certification. Said belief is based on a review of the data submitted by the manufacturer and other information (See "Basis for Certification" below), and is also based on the use of the product in accordance with the manufacturer's specifications.

This certification is subject to the regulations found in Title 22 of the California Code of Regulations (CCR 22), Chapter 46, section 68000, which include the duration of the Certification, and the procedures for certification amendments and decertification.

By accepting this Certification, the manufacturer assumes for the duration of the Certification, responsibility for maintaining the quality of the manufactured materials and equipment at a level equal or better than was provided to obtain this Certification and agrees to be subject to quality monitoring by the Department as authorized by the law under which this Certification is granted.

Specific Conditions

INFICON shall follow their established QA/QC program to ensure that the materials used in manufacturing and the quality of instrument meet the standards certified under ISO-9001.

INFICON shall maintain their standards for ensuring that users receive appropriate training in operation and maintenance of the instrument. For environmental applications, the method detection limit or quantitation limit, precision, and bias of the HAPSITE technology must be evaluated to ensure meeting the project-specific requirements. The surrogate compounds must be added to the environmental medium to evaluate the matrix effects and to validate the instrument performance. The analysis of blank samples must be performed as necessary to minimize cross-contamination. The quality control samples must be included in the operation as specified in the quality assurance project plan.

Through updates of user guides, the manufacturer shall inform the user of environmental and experimental parameters which potentially affect the performance of the system, as they become known to the manufacturer.

Users should follow the manufacturer's instructions for installation, operation, and maintenance of the instrument. Users should develop and follow a plan in accordance with their facility's quality management system for validating the system at appropriate intervals according to the guidance set for the HAPSITE system.

Basis for Certification

The proposed certification of this technology is based on a comprehensive evaluation conducted by the Hazardous Materials Laboratory (HML) in the California Department of Toxic Substances Control. HML reviewed instrument performance data submitted by the INFICON and field data generated by independent third parties. In addition, HML participated in independent studies evaluating the system's performance in air and soil analyses. HML staff also contacted end users to obtain additional information on performance and reliability. An evaluation report prepared by HML provides details of the evaluation.

Recommended Applications

The INFICON HAPSITE Portable Gas Chromatograph-Mass Spectrometer is intended for the measurement of volatile organic compounds in the field and in the laboratory. The HAPSITE technology operating in accordance with conditions established by the manufacturer can serve as a viable alternative for the measurement of volatile organic compounds in the environment. Applications include: (1) long term environmental monitoring of the chlorinated and aromatic hydrocarbons in air, water and soil; (2) detection and identification of toxic chemicals and hazardous materials released from industrial incidents; (3) fast on-site analysis to expedite site cleanup activities and to increase the number of sample analyses of a site to reduce data uncertainty.

Regulatory Implications

DTSC's certification does not change the regulatory status of field and laboratory measurements for volatile organic compounds in air, water, and soil matrices. This certification is intended, however, to facilitate and encourage the acceptance of this technology where a project's data quality objectives can be met by its use. To this end, regulatory programs are encouraged to consider the Department's findings regarding this technology, depending on each program's objectives and constraints. State-regulated facilities may contact state permitting officers regarding the use of the technology for the analysis of volatile organic compounds in the field and laboratory. Other local and state government permitting authorities may take this certification under consideration when making their permitting decisions. Project managers may consider using this technology where its use can contribute to the project.

Duration of Certification

Unless amended or revoked for cause, this certification will remain in effect for three years from the date of issuance.

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD DEADLINE FOR CALIFORNIA CODE OF REGULATIONS, TITLE 8. GENERAL INDUSTRY SAFETY ORDERS CHAPTER 4, SUBCHAPTER 7, ARTICLE 3 NEW SECTION 3241.1 WORKING WAREHOUSES

Notice is hereby given that the Occupational Safety and Health Standards Board (Standards Board) has rescheduled the public comment period for the above proposed standard through **April 15, 2004**. This proposal was originally noticed in the California Regulatory Notice Register, dated October 31, 2004, and was heard at the Standards Board's Public Hearing on December 18, 2003. The original public comment period deadline for this proposal was December 18, 2003; however, the Standards Board has extended the close of public comment period through April 15, 2004, at 5:00 p.m.

Any interested person may present statements or arguments orally or in writing on the proposed changes under consideration at the April 15, 2004, Public Hearing in San Diego, California in the County Administration Center, 1600 Pacific Highway, Room 358, at 10:00 a.m. The official record of the rulemaking proceedings will be closed at 5:00 p.m. on April 15, 2004. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Standards Board's rulemaking file on the proposed action including all the information upon which the proposal is based is open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the above proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement

of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

DECISION NOT TO PROCEED

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, General Industry Safety Orders, Chapter 4, Subchapter 7, Article 107, Section 5154.1, Ventilation Requirements for Laboratory-Type Hood Operations, (Notice File No. Z03-0319-01, published April 4, 2003, in the California Notice Register 2003, No. 14-Z, page 485).

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF BEHAVIORAL SCIENCES

Restructuring MFT and LCSW Examination Process

This emergency regulatory action replaces the oral examination for the licensed clinical social worker and the marriage and family therapist with a written clinical vignette examination, reduces the charge for this examination from \$200 to \$100, and makes other related changes.

Title 16

California Code of Regulations

ADOPT: 1829 AMEND: 1816.2, 1816.3, 1877
REPEAL: 1815

Filed 03/03/04

Effective 03/03/04

Agency Contact:

Julie McAuliffe

(916) 445-4933 x1142

BOARD OF OCCUPATIONAL THERAPY Advanced Practice

In this regulatory action, the Board of Occupational Therapy adopts regulations setting forth education, training and competency requirements applicable to occupational therapists providing certain advanced practices (hand therapy, use of physical agent modalities, and swallowing assessment, evaluation, or intervention).

Title 16

California Code of Regulations

ADOPT: 4150, 4151, 4152, 4153, 4154, 4155

Filed 03/09/04

Effective 03/09/04

Agency Contact: Janet Yagi

(916) 322-3278

BOARD OF PRISON TERMS

Conflict of Interest Code

The Board of Prison Terms is amending its conflict of interest code found at title 15, California Code of Regulations, section 2005. The amendment was approved for filing by the Fair Political Practices Commission on December 18, 2003.

Title 15

California Code of Regulations

AMEND: 2005

Filed 03/03/04

Effective 04/02/04

Agency Contact: Lori Manieri

(916) 445-5277

CALIFORNIA GAMBLING CONTROL COMMISSION

Proposition Players and Gambling Business Registration

In this emergency regulatory action, the California Gambling Control Commission readopts emergency regulations pertaining to the registration of proposition players and gambling businesses.

Title 4

California Code of Regulations

ADOPT: 12204, 12205, 12210, 12211, 12212, 12213, 12214, 12224, 12225, 12227, 12228, 12229, 12230, 12231, 12232 AMEND: 12200, 12201, 12202, 12203, 12206, 12207, 12208, 12209, 12220, 12221, 12222, 12223, 12226

Filed 03/05/04

Effective 03/05/04

Agency Contact: Herb Bolz

(916) 263-0700

CALIFORNIA STUDENT AID COMMISSION

Conflict of Interest Code

The California Student Aid Commission is amending its conflict of interest code found at section 30060, title 5, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on December 9, 2003.

Title 5
California Code of Regulations
AMEND: 30060
Filed 03/08/04
Effective 04/07/04
Agency Contact: Claire Lillie (916) 526-8043

DEPARTMENT OF INSURANCE
Communications Equipment Insurance Agent License

This regulatory action is the readoption of emergency regulations that deal with the licensing of communications equipment insurance agents. (Prior OAL files 03-0701-02E and 03-1106-01 EE, aka Department of Insurance file number ER 02026113.)

Title 10
California Code of Regulations
ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
Filed 03/08/04
Effective 03/09/04
Agency Contact: Julie D. Soo (415) 538-4429

DEPARTMENT OF REHABILITATION
Vocational Recreation

The regulatory action deals with vocational rehabilitation.

Title 9
California Code of Regulations
ADOPT: 7000.2, 7001.2, 7001.5, 7002.5, 7006, 7006.3, 7009.1, 7013.2, 7013.6, 7014, 7014.1, 7017.2, 7017.5, 7017.7, 7018.4, 7019.5, 7021.5, 7024.7, 7028.1, 7028.6, 7028.8, 7029.1, 7029.6, 7029.7, 7029.9, 7035, 7037, 7038, 7098, 7128, 7129, 7130, 7130.5, 7
Filed 03/04/04
Effective 04/03/04
Agency Contact: Juanita Loyola (916) 263-8972

OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
Plan Code Table Updates

This nonregulatory action updates the information of a managed care Knox-Keene health plan or a Medi-Cal County Organized Health System and corresponding code numbers to be used by hospitals reporting expected source of payment for each inpatient discharge record.

Title 22
California Code of Regulations
AMEND: 97232
Filed 03/08/04
Effective 03/08/04
Agency Contact:
Candace L. Diamond (916) 324-2712

SECRETARY OF STATE
Victims of Corporate Fraud Compensation Fund

This action adopts rules for the administration of the Victims of Corporate Fraud Compensation Fund, including definitions; rules specifying information required in an application for compensation, various notices, a response by a judgment debtor, and a decision; and rules for apportionment of funds, payment, and judicial review.

Title 2
California Code of Regulations
ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519
Filed 03/09/04
Effective 03/09/04
Agency Contact: Lisa B. Niegel (916) 653-3345

STATE MINING AND GEOLOGY BOARD
Annual Fee Schedule

This emergency regulatory action amends the annual reporting fee schedule and includes the new statutory fee to be assessed for the next fiscal year based on the production of gold and silver from the prior reporting year.

Title 14
California Code of Regulations
AMEND: 3698, 3699
Filed 03/08/04
Effective 03/08/04
Agency Contact:
John G. Parrish (916) 322-1082

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN NOVEMBER 5, 2003
TO MARCH 10, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

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03/09/04 ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519

03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
 03/01/04 AMEND: 1555
 02/26/04
 02/23/04 AMEND: 1181.1
 02/23/04 AMEND: 59150
 02/20/04 ADOPT: 58600
 02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001
 02/09/04 ADOPT: 599.893, 599.898, 599.906, 599.907, 599.909 AMEND: 599.894, 599.895, 599.896, 599.898 (renumbered to 599.897), 599.903, 599.904, 599.905, 599.906 (renumbered to 599.908), 599.910
 02/05/04 AMEND: 20107
 01/23/04 ADOPT: 18531.6 AMEND: 18531.61
 01/22/04 AMEND: 18707.5
 01/15/04 ADOPT: 599.516
 01/15/04 AMEND: 2270, 2271
 01/14/04 AMEND: 18427.1
 12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013
 12/22/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
 12/19/03 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 185
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 12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
 11/20/03
 11/10/03 ADOPT: 18728.5 AMEND: 18703.3

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02/17/04 AMEND: 3430(b)
 02/05/04 AMEND: 3417(b)
 01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857
 01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
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 12/26/03 AMEND: 3417(b)
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 02/20/04 ADOPT: 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12309 REPEAL: 12303, 12307
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 02/10/04 AMEND: 11960
 02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853, 589
 01/16/04 ADOPT: 58509 REPEAL: 58509
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 11/21/03 AMEND: 50500
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12/31/03 ADOPT: 10250

12/22/03 AMEND: 341.17

12/18/03 ADOPT: 15611 AMEND: 15600, 15601,
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12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
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12/22/03 AMEND: 2190.05, 2190.7

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11/13/03 AMEND: 1005

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11/13/03 ADOPT: 1314.1 AMEND: 1300.4

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12/02/03 AMEND: Division 2, Chapter 1', Article 5, Subchapter 3, Section 50300

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02/24/04 ADOPT: 51008.1 AMEND: 51104, 51520, 51521

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